

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Yes, there will be interference. The problem is that even with systems that permit playback on the same device it is not possible to play back on another device. In my household we have two VCRs. One, downstairs, is high quality and we use it for recording. The other is upstairs in our bedroom and we use it for playing back shows while we relax after our child is in bed. With a broadcast flag we would no longer be able to do this.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

I can't see how a limit on sending content around my home network would be avoided. I suppose a system would be envisioned that would pre-license all possible playback devices, but that puts the consumer in the position of having to get permission from broadcasters when they want to hook up a new TV or whatever. Why should anyone but my family have a say in what electronics we put into our home system?

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

There are several scenarios in which older equipment will be shut out. Perhaps the simplest is by the fact that new equipment must test for the presence of the flag and block content without it. If it does not do this, then it would be a simple matter for pirates to strip off the flag. However, since old equipment does not know about the new flag and therefore cannot transmit it, a new device would have no way to distinguish an old component from a pirate component. Therefore, all old components would be treated as pirate components.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

In this respect a broadcast flag is no different from any other content regulatory standard. Each such standard closes off certain options; that is the way of standards. The question is really whether the foreclosure of new options in an immature industry is necessary or worthwhile at this time. I believe that certain regulation is necessary to promote interoperability and freedom of consumer choice (classically, the gauge of railroad tracks fits this idea). However, I do not believe that the broadcast flag fits this bill. It will not promote interoperability nor will it promote freedom of consumer choice. Instead it will restrict both of these things, in the name of protectionism for existing large oligopolists.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

The cost impact is impossible to predict precisely. All we know is that adding regulation that requires additional componentry will inevitably increase the costs. These increased costs will be passed on to consumers. As I noted above, I have no problem with government regulation imposing costs when those costs are commensurate with, or related to, increasing safety, protection, options, or benefits for the cost-paying consumers. I imagine that the price I pay for electricity is significantly higher

because of standards imposed by government regulation. However, since my safety is also thereby increased, I find this completely reasonable. I cannot, however, extend this reasoning to a broadcast flag. That seems to be imposition of a cost without benefit.

Other Comments:

The broadcast flag is an enormous reversal in the established rights of consumers to make personal use of programs that have been paid for by advertising and/or subscription fees. Piracy is a real and multi-billion dollar black enterprise. To conflate the simple home use of a broadcast program with the wholesale counterfeiting operations of professional criminals is a dreadful way to set national policy.